

United States District Court**for****Southern District of Ohio****Amended Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Jordan Benjamin**Case Number: **CR-1-02-115**Name of Sentencing Judicial Officer: **The Honorable S. Arthur Spiegel, United States Senior District Judge**Date of Original Sentence: **April 15, 2003**Original Offense: **Possession of a Firearm By A Convicted Felon, a Class C Felony, in violation of 18, U.S.C. §§922 (g)(1), and 924(a)(2).**Original Sentence: **51 month(s) prison, 36 month(s) supervised release**Type of Supervision: **Term Of Supv Rel**Date Supervision Commenced: **November 16, 2006**Assistant U.S. Attorney: **Timothy D. Oakley, Esq.**Defense Attorney: **W. Kelly Johnson, Esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
- ☒ To issue an Order to Show Cause. A supervised violation hearing is currently scheduled for August 28, 2007.
- ☐ To grant an exception to revocation without a hearing.

Violation NumberNature of Noncompliance

#1

The offender violated Standard Condition # 7, which states, the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On the following dates, the offender submitted positive urinalysis for cocaine:

December 14, 2006

December 28, 2006

December 29, 2006

* On January 5, 2007, the urinalysis submitted was rendered invalid, due to the following reason: Dilute-specimen not consistent with normal human urine. An invalid or diluted specimen occurs when a person attempts to flush their system to avoid detection of an illegal substance. Therefore, an invalid/diluted specimen is considered the same as submission of a positive urinalysis.

#2

New Law Violations: Statutory Condition: The offender shall not commit another federal, state, or local crime.

1) On February 21, 2007, the offender was charged with Unauthorized Use of a Motor Vehicle, Case No.: 07/CRB/6098 and Possession of Illegal Drug Paraphernalia, Case No.: C/07/CRB/6169

2) On February 22, 2007, the offender was charged with: Driving without a License, Safety Restraint Violation, and Windshield Obstruction, Case No.: C/07/TRD/9675, Counts A, B and C, respectively

3) On June 28, 2007, the offender was charged with: Possession of Marijuana, Case No.: 07/CRB/23830

#3

Standard Condition # 11, which states, the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

The offender failed to notify this writer within 72 hours of any of the above mentioned new offenses, as required by his conditions of release.

#4

Special Condition of supervision which states, "The offender, when scheduled to report upon his release from custody to the Residential Re-entry Center (halfway house), must abide by all conditions of his release set by his Probation Officer.

As of June 7, 2007, it was learned that the offender absconded from the program by failing to return to the Talbert House on the evening of June 6, 2007. At the time, his whereabouts was unknown.

#5

Standard condition # 3, which states "You shall answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer"

On June 8, 2007, the offender contacted this writer and was instructed to report to the probation office by noon. The offender failed to report, on June 8, 2007, as directed.

U.S. Probation Officer Recommendation:

Based on the offender's noncompliance within a very short time of his release, it is evident that he is not willing to comply with the conditions of release. This offender is in need of intense structure. It is requested that his supervision be revoked, and a period of incarceration be imposed. A term of supervision upon his release is not recommended.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 U.S.C., 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

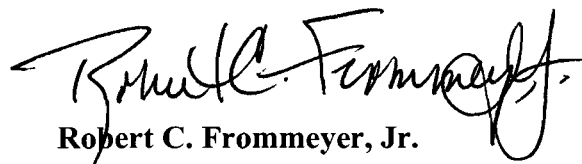
I declare under penalty of perjury that
the foregoing is true and correct.

Executed on August 20, 2007

Approved,

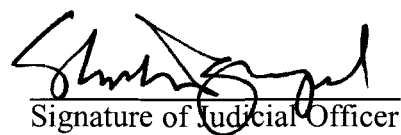
by


Michelle Merrett
U.S. Probation Officer


Robert C. Frommeyer, Jr.
Supervising U.S. Probation
Officer
Date: August 20, 2007

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☒ The Issuance of an Order to Appear and Show Cause on August 28, 2007.
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer
8/20/07
Date
